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8 Attorneys for Richard Fred Dittmer III

9 United States District Court
10 District of Nevada
11

12 United States of America,
13 Plaintiff,
14 v.
15 Richard Fred Dittmer III,
16 Defendant.

Case No. 2:18-cr-302-JAD-NJK-2

Stipulation For a Protective Order

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18 It is stipulated and agreed between the parties, the Defendant, Richard Fred Dittmer III,
19 by and through his counsel of record, Monti J. Levy, and Sunethra Muralidhara, of Wright
20 Marsh & Levy, and the United States, by and through Christopher Chiou, Acting United States
21 Attorney, and Bianca Pucci, Assistant United States Attorney, that this Court issue an Order
22 protecting from disclosure to unauthorized parties any discovery documents including
23 “underlying testing materials, score sheets, work sheets, and notes” pertaining to the
24 psychological examination report submitted by the defendant, and as attached to his sentencing
25 memorandum, ECF 121. This information shall be known as “the Protected Documents.” The
26 parties have met and conferred regarding this issue, and now stipulate and agree as follows:

- 1 1. On January 11, 2021, he pleaded guilty to Counts One and Two of a superseding
2 information. ECF 84, 85. He pleaded guilty to Count One, receipt of child
3 pornography under 18 U.S.C. § 2552A(a)(2) and (b); and Count Two attempt
4 sexual exploitation of children under 18 U.S.C. § 2551(a) and (e). *Id.* Count
5 One carries a mandatory minimum sentence of five years and maximum of 20
6 years; and Count Two carries a mandatory minimum of 15 years and a maximum
7 of 30 years. Statutorily, the maximum this Court may sentence Mr. Dittmer to
8 is 50 years of imprisonment.
- 9 2. As part of preparing for sentencing in this case, the defendant filed a sentencing
10 memorandum on September 13, 2021. ECF 121. Included in that sentencing
11 memorandum is a psychosexual evaluation. *Id.* at Exhibit B. The government
12 filed its sentencing memorandum on September 14, 2021. ECF 124.
- 13 3. After meeting and conferring about the psychosexual evaluation, the
14 government requested the defendant also provide “underlying testing materials,
15 score sheets, work sheets, and notes” in order to review the psychosexual
16 evaluation reports’ opinions, conclusions, and testing results.
- 17 4. Rather than litigate the issue of such document production, the defendant is
18 willing to voluntarily produce the requested documentation, not waiving any
19 future objection to document production without additional meet and confer
20 efforts.
- 21 5. The defendant agrees to provide the entirety of the Protected Documents to the
22 government without redacting any information.

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- 1 6. The government agrees to review the Protected Documents and determine what
2 is relevant to its prosecution. The government further agrees that copies of the
3 Protected Documents will not be provided to anyone other than “authorized
4 persons” as defined below.
- 5 7. Access to Protected Documents will be restricted to persons authorized herein
6 by the Court (“authorized persons”), namely, the attorney(s) of record, including
7 any USAO attorney in the District of Nevada who needs to be consulted on legal
8 matters related to this case, and those attorneys’ paralegals, support staff,
9 investigators, IT staff, contractors, expert consultants, vendors, and copy centers
10 employed by the attorney(s) of record.
- 11 8. The following restrictions will be placed on government attorneys and the
12 above-designated individuals unless and until further ordered by the Court. The
13 above-designated individuals shall:
 - 14 a. Not make copies of the Protected Documents for, or knowingly allow
15 copies of any kind of the Protected Documents be made for, any person
16 that is not an authorized person, and take reasonable steps to protect
17 against allowing copies of any kind of the Protected Documents to be
18 made for any person that is not an authorized person;
 - 19 b. Not knowingly allow any other person to read the Protected
20 Documents and take reasonable steps to prevent any person that is not an
21 authorized person from reading the Protected Documents; and,
 - 22 c. Not use the Protected Documents for any other purpose other than
23 preparing to prosecute these charges in the above-captioned case.

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1 9. Government attorneys shall inform any person to whom they disclose the
2 Protected Documents, or to whom they know their authorized persons to
3 disclose, of the existence and terms of this Court's order. Further, the
4 government shall take reasonable measures to inform any person to whom
5 disclosure may be made pursuant to this Court's order of the existence and terms
6 of this order.

7 10. The restrictions herein shall not restrict the use of Protected Documents during
8 sentencing in this matter.

9 11. By the date of sentencing in this matter, government counsel shall direct all other
10 authorized persons, or others government counsel has reason to believe have
11 obtained copies of the documents, to return copies of Protected Documents to
12 defense counsel's office. Or;

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1 12. At the conclusion of this action, government counsel shall return to defense
2 counsel or destroy all copies of Protected Documents in the government's
3 possession, including any copies of the Protected Documents previously in the
4 possession of all authorized persons and returned to defense counsel. This action
5 will be deemed concluded after the completion of the final appeal in this matter,
6 or if no appeal was filed, then at the expiration of the statute of limitations for
7 the filing of any final appeal of any matter, including collateral review.
8 Alternatively, government counsel shall destroy all copies of the Protected
9 Documents in accordance with the Department of Justice retention policy.

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11 Respectfully submitted,

12 DATED October 4, 2021.

13 WRIGHT MARSH & LEVY

CHRISTOPHER CHIOU

Acting United States Attorney

14
15 /s/ Monti J. Levy

/s/ Bianca Pucci

Monti J. Levy

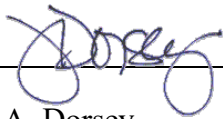
Bianca Pucci

16 Sunethra Muralidhara

Assistant United States Attorney

17 Attorneys for Mr. Dittmer III

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20 IT IS SO ORDERED:

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23 Jennifer A. Dorsey

24 United States District Judge

25 Dated: October 5, 2021.